

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

FILED

AUG 27 2012

TERESA L. DEPTNER, CLERK
U.S. District Court
Southern District of West Virginia

Nicholas BarGafi

276

(Enter above the full name of the plaintiff
or plaintiffs in this action).

(Inmate Reg. # of each Plaintiff)

VERSUS

CIVIL ACTION NO. 5:12-4716
(Number to be assigned by Court)

warden fci Beckley Joel Ziegler
ofc turner

(Enter above the full name of the defendant
or defendants in this action)

COMPLAINT

I. Previous Lawsuits

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment?

Yes X No

B. If your answer to A is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline).

1. Parties to this previous lawsuit:

Plaintiffs: 2291 Jail time credit

Defendants: Warden

2. Court (if federal court, name the district; if state court, name the county);

Southern district West Virginia

3. Docket Number: N/A

4. Name of judge to whom case was assigned:

N/A

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

Still pending

6. Approximate date of filing lawsuit: July 2012

7. Approximate date of disposition: N/A

(In item C below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Use item D for the names, positions, and places of employment of any additional defendants.)

C. Defendant: ofc Turner
 is employed as: Correctional officer
 at FCI Beckley

D. Additional defendants: Warden Joel Ziegler
Psychology Dr Ann Elizabeth Card

IV. Statement of Claim

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

On 6/8 @ approx 1500 - 1700 while house in
Shen Drange 10 cell I was told to cuff
up "you getting a celly" I complied. Afterwards
I was placed in Shen drange 4 cell. Some of
my personal property was brought over. I my
new celly uncuffed. there was Approximately 4 Staff members
standing outside my door. I Attempted to explain that
I did not have my property while explaining.

IV. Statement of Claim (continued):

ofc turner Said "for En/ Castillo to cuff up. I told me to give him the cuffs I immediately after I was punched in the stomach by ofc turner with a close fistel punch. I immediately Surrendered the cuffs fearing for my safety & well being. I informed Senior Staff of the incident afterwards. I have been suffering Severe mental stress & Anxiety Attacks whenever dealing w/ Staff. Psychology continues after numerias requests refuses to ^{Provide access to} Mental Health.

V. Relief

State briefly exactly what you want the court to do for you. Make no legal arguments.
Cite no cases or statutes.

I am requesting a ~~once~~ ^{twice} a week counseling session with an outside Psychologist related to the mental trauma suffered from this incident. For the Dep to provide Any prescriptions prescribed by said Physician. I am seeking in damages \$20 million for the assault \$25 million for mental stress & Anxiety suffered \$45 million for future stress that will be suffered any time I am handcuffed or dealing w/ Staff. \$3 million Judgment against Institutional Psychology dept for refusing and continuing refusing access to Mental Health Services. \$7 million Judgment against warden for not properly.

V. Relief (continued)):

Screening Institutional Staff for Hiring ~~actively~~
employing a staff member that would assault a defenseless
Inmate that is actively restrained with handcuffs & Allowing Psychology
to Show Blazer's actions disregard for my Mental Health &
well Being

VII. Counsel

- A. If someone other than a lawyer is assisting you in preparing this case, state the person's name:

- B. Have you made any effort to contact a private lawyer to determine if he or she would represent you in this civil action?

Yes _____

No X

If so, state the name(s) and address(es) of each lawyer contacted:

If not, state your reasons: I am on phone & email restriction
& housed in the limited access to outside world

- C. Have you previously had a lawyer representing you in a civil action in this court?

Yes _____

No X

If so, state the lawyer's name and address:


Signed this 22nd day of August, 2012.



Signature of Plaintiff or Plaintiffs

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 22nd 2012.
(Date)



Signature of Movant/Plaintiff

Signature of Attorney
(if any)

Nicholas Barbati
27662-018
FCI Beckley
P. O. Box 350
Beaver, WV 25813

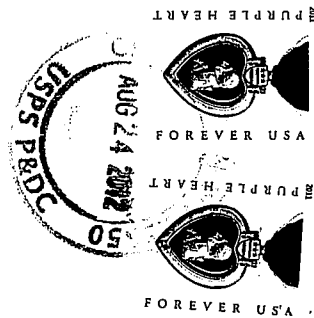
I am requesting the Appointment of
Counsel with Case.

CCB
August 22nd 2012

↔27662-018↔

Nicholas Barbati
Beckley 27662-018
P. O. Box 350
Federal Corr Inst
Beaver, WV 25813
United States

Clerk, United States District Court
P.O. Drawer 5009
Beckley, West Virginia 25801



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Special Mail

Thursday August 23, 2012
Special Mail